

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

AIPI, LLC,	§	
	§	
Movant,	§	
	§	
v.	§	Civil Action No. 1:24-mc-00002 (LMB/WEF)
	§	
NETFLIX, INC.,	§	
	§	
Respondent.	§	
	§	

**DECLARATION OF AMY E. BERGERON IN SUPPORT OF NETFLIX, INC.’S
OPPOSITION TO AIPI, LLC’S MOTION TO QUASH**

I, AMY E. BERGERON, declare as follows:

1. I am an attorney at law and am admitted to practice law in all state and federal courts in Texas. I am an associate with the law firm of Baker Botts L.L.P. and am one of the attorneys representing Plaintiff Netflix, Inc. (“Netflix”) in the above-captioned action. I make this Declaration in support of Netflix’s Opposition to AiPi, LLC’s (“AiPi”) Motion to Quash. All of the information set forth herein is based on my personal knowledge and if called and sworn as a witness, I could and would competently testify thereto.

2. Netflix, by and through its counsel, issued an Amended Rule 45 Subpoena to AiPi, LLC (“AiPi”) on June 13, 2024. On the same day, I sent the Amended Rule 45 Subpoena to FirstLegal, a legal support services company, to have a process server personally serve AiPi with the subpoena. I oversaw the assigned process server, Rebecca Ling, as she attempted to serve AiPi and was in daily communication with FirstLegal regarding her visits to the various below AiPi offices.

3. AiPi's website lists its address as 11718 Bowman Green Drive, Reston, VA 20191 (the "Reston Address"). This is the same address where AiPi was served with Netflix's first Rule 45 subpoena, and the same address that Eric Morehouse, a co-founder of AiPi (who is also an attorney), represented in a declaration filed in the Northern District of California on November 21, 2023 is "currently AiPi's only office and the sole location where AiPi's five employees work when not working from home." See *Valjakka v. Netflix*, 4:22-cv-01490, Dkt. 233-2 (Decl. of Eric Morehouse) at ECF 1-2 (N.D. Cal.).

4. On Friday, June 14, the process server, Ms. Ling, visited the Reston Address. No one was present, so the server called the listed phone number for AiPi and spoke with "Eric," who informed the process server that all of AiPi's employees were "working remotely." "Eric" stated she should come back on Monday, June 17. The process server returned on Monday, June 17, 2024 and spoke with the receptionist for the office building in Reston, who informed the server that AiPi was "no longer located at this building," but the receptionist did not provide any further information, and "Eric" did not respond to the process server's calls. On June 18, the process server contacted "Eric" again, and he informed her that AiPi had moved out of the Reston office six months ago and were in a temporary location until a month ago, but stated AiPi has now moved to a new address in Tysons Corner, Virginia. "Eric" told the process server that she could come to 8230 Leesburg Pike, Suite 520, Tysons Corner, Virginia 22182 (the "Tysons Corner Address") on June 20, 2024 around 2 P.M.

5. Netflix's process server also attempted service several times at another address obtained from the Virginia Secretary of State's website for Alpha Tech Health Solutions LLC—which was previously known as AiPi Federal, LLC until the company changed its name on June 22, 2022. The process server visited 3443 Sleepy Hollow Rd, Falls Church, VA, 22044 (the "Falls

Church Address”), which is the address listed as both the “Principal Office Address” and address of the “Registered Agent” for that entity on June 15, 17, and 18, 2024. No one was present at the Falls Church Address on June 15 or June 17 when the process server visited. During the final attempt on June 18 at the Falls Church Address, the process server spoke to the occupant, Gregory Mark Giammittorio, who refused to accept service, stating that he is no longer associated with AiPi. Mr. Giammittorio further stated that he has asked AiPi to remove him as the Registered Agent, but AiPi has refused. Additionally, during the service attempt on June 18, the process server was bitten by Mr. Giammittorio’s dog, requiring intervention from the police.

6. On June 20, 2024, the process server visited the new address provided by “Eric,” the Tysons Corner Address. AiPi was personally served with Netflix’s subpoena by Netflix’s process server through an AiPi employee authorized to accept service, Sean Lewis, at the Tysons Corner Address at 1:30 PM.

I declare under penalty of perjury under the laws of the United States of America and the State of Virginia that the foregoing is true and correct. Signed this 1 day of August, 2024 in Houston, Texas.



Amy E. Bergeron